

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DAMIEN STEVENSON,

Plaintiff,

v.

B. PHILLIPS, et al.,

Defendants.

Case No.: 1:23-cv-0726 JLT CDB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
ACTION WITHOUT PREJUDICE, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THE CASE

(Doc. 15)

Damien Steven seeks to hold defendants liable for violations of his civil rights while housed at the Substance Abuse Treatment Facility at Corcoran. (*See generally* Doc. 1.) However, the magistrate judge found Plaintiff failed to prosecute the matter and failed to comply with the Local Rules requiring him to keep the Court informed of his current address. (Doc. 15.) The magistrate judge considered the factors identified by the Ninth Circuit in *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988), and found terminating sanctions are appropriate. (*Id.* at 3-5.) Therefore, the magistrate judge recommended the Court dismiss the action without prejudice. (*Id.* at 5.)

The Court served the Findings and Recommendations on Plaintiff at the only address on record and notified him that any objections were due within 14 days. (Doc. 15 at 6.) However, the U.S. Postal Service again returned the Court's mail as "Undeliverable, Not at CSATF, Moved No Forwarding Address, Return to Sender" on June 23, 2025. The Court remains unable to

1 communicate with Plaintiff, who has not filed a notice of change of address since the Court's mail
2 was first returned on April 23, 2025.

3 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
4 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
5 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 6 1. The Findings and Recommendations issued on June 4, 2025 (Doc. 15) are
7 **ADOPTED** in full.
- 8 2. This action is **DISMISSED** without prejudice for Plaintiff's failure to comply with
9 the Local Rules and failure to prosecute.
- 10 3. The Clerk of Court shall terminate any pending deadlines and close this case.

11
12 IT IS SO ORDERED.

13 Dated: **June 24, 2025**


UNITED STATES DISTRICT JUDGE